

**NINE-POINT CRITERIA ANALYSIS  
PROPOSED BUILDING STANDARDS  
OF THE  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)  
REGARDING THE AMENDMENT OF THE  
2016 CALIFORNIA BUILDING CODE AND  
2016 CALIFORNIA RESIDENTIAL CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 2 AND 2.5  
(HCD NN/18)**

Building standards submitted to the California Building Standards Commission (CBSC) for approval are required, by Health and Safety Code Subsection 18930(a), to be accompanied by an analysis which will, to the satisfaction of the Commission, justify their approval. The approval of these proposed building standards is justified as follows:

**1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.**

The proposed permanent building standards include new provisions to the 2016 California Building Code (CBC) and California Residential Code (CRC). These provisions include minimum building standards for structures suitable for emergency housing or shelters in dedicated appendices to the CBC and CRC. These codes currently do not have a separate section dedicated to these types of structures and the minimum requirements to ensure resident health and safety. Therefore, HCD's proposed building standards do not conflict with, overlap or duplicate existing California building standards.

**2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.**

HCD has statutory authority to adopt building standards for residential structures and accessory structures. No other state agency has primary authority to adopt building standards for residential structures.

**3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.**

Health and Safety Code Section 17921 directs HCD to propose the adoption, amendment, or repeal of building standards into Title 24 of the California Code of Regulations for the protection of public health, safety, and the general welfare of the occupant and the public.

California is faced with a lack of affordable housing as well as a homeless population resulting from several natural disasters in the form of fires and floods, as well as social or economic circumstances. In addition, California needs housing for persons who have homes that have become unoccupiable due to earthquake, flood or fire damage and need immediate temporary housing.

Assembly Bill 932 (Chapter 786, Statutes of 2017) authorizes specified local jurisdictions to adopt, by ordinance, reasonable local standards and procedures for design, site development and operation of homeless shelters and structures and facilities within. AB 932 also requires HCD to review and approve a city/county draft ordinance to ensure it meets minimum health and safety standards. Currently, there are no standards in the 2016 CBC or 2016 CRC specifically addressing all types of shelters that are suitable for use as emergency housing. These standards are needed to provide code-recognized options for housing and minimum construction standards to ensure the health and safety of the residents.

**4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.**

HCD has determined that the proposed building standards are not unreasonable, arbitrary, or capricious, in whole or in part.

**5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.**

HCD finds that the permanent adoption of appendices in the 2016 CBC and 2016 CRC does not increase the mandatory cost to the public. The proposed regulations are voluntary, and provide code-recognized use of various types of structures for purposes of emergency housing or shelters. The regulations are available for adoption by local enforcing agencies and for purposes of integrating into local emergency housing or shelter ordinances.

**6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.**

HCD has determined that the adoption of amendments in the 2016 CBC and 2016 CRC is neither ambiguous nor vague, either in whole or in part.

**7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.**

The model codes do not specifically address emergency housing structures. HCD's proposal is based, in part, on the following standards and documents:

- 2018 International Residential Code Appendix Q for Tiny Houses.
- Government Code provisions for shelter crisis – Section 8698.3(h).
- Health and Safety Code requirements for camping cabins and park trailers.
- California Code of Regulations Title 25 requirements for tents, maintenance and location of specified structures and provisions for kitchens, bathrooms, heat and waste.
- California Code of Regulations Title 25, Section 724.
- 36 CFR, Part 1191 Americans with Disabilities Act (ADA); and Architectural Barriers Act (ABA) Accessibility Guidelines: Emergency Transportable Housing Units, Final Rule, May 7, 2014.

**8) The format of the proposed building standards is consistent with that adopted by the Commission.**

Yes. The proposed regulations follow the format of the 2016 CBC and 2016 CRC.

**9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.**

The Office of the State Fire Marshal (SFM) has reviewed HCD's originally proposed emergency regulations and approved as drafted. There is no substantive change in the regulations proposed for permanent adoption. All regulatory changes are editorial.